

**House File 135 - Introduced**

HOUSE FILE 135

BY WOLFE

**A BILL FOR**

1 An Act relating to deferred judgments and the possession of  
2 firearms and offensive weapons.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.1, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. a. *“Deferred judgment”* means a sentencing option  
4 whereby both the adjudication of guilt and the imposition of  
5 a sentence are deferred by the court and whereby the court  
6 assesses a civil penalty as provided in section 907.14 upon  
7 the entry of the deferred judgment. The court retains the  
8 power to pronounce judgment and impose sentence subject to the  
9 defendant’s compliance with conditions set by the court as a  
10 requirement of the deferred judgment.

11 b. A deferred judgment entered pursuant to section 907.3  
12 with respect to a prior felony or a consent decree entered  
13 pursuant to section 232.46 with respect to a prior delinquent  
14 act that would constitute a felony if committed by an adult,  
15 shall not be considered to be a conviction for purposes of  
16 section 724.26, subsection 1.

17 EXPLANATION

18 This bill relates to deferred judgments and the possession  
19 of firearms and offensive weapons.

20 The bill amends Code section 907.1 relating to the  
21 definition of a deferred judgment, to provide that a deferred  
22 judgment entered pursuant to Code section 907.3 with respect  
23 to a prior felony or a consent decree entered pursuant to Code  
24 section 232.46 with respect to a prior delinquent act that  
25 would constitute a felony if committed by an adult, shall not  
26 be considered to be a conviction for purposes of Code section  
27 724.26 (Iowa’s felon in possession of firearms statute).

28 Code section 724.26 provides that a person who has been  
29 convicted of a felony in a state or federal court, or who has  
30 been adjudicated delinquent on the basis of conduct that would  
31 constitute a felony if committed by an adult, and who knowingly  
32 has under the person’s dominion and control or possession,  
33 receives, or transports or causes to be transported a firearm  
34 or offensive weapon is guilty of a class “D” felony. A class  
35 “D” felony is punishable by confinement for no more than five

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1 years and a fine of at least \$750 but not more than \$7,500.